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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/752,355
Filing Date: December 29, 2000
Appellant(s): PRICER ET AL.

Steven T. McDonald
Reg. No. 45, 999
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 5/1/09 appealing from the Office action mailed 8/29/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

The present application has previously been appealed. Appeal No. 2006-1055 affirmed the Examiner's rejection of claims similar to the currently appealed claims.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

WITHDRAWN REJECTIONS

The following grounds of rejection are not presented for review on appeal because they have been withdrawn by the examiner. The objection to the specification under 37 CFR 1.75(d)(1).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Tsuchida	US 6,026,394	Feb. 15, 2000
Muret	US 2002/0042821	Apr. 11, 2002 (filed May 10, 2001)
Miller	WO 00/20998	Apr. 13, 2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muret et al. (US 2002/0042821) in view of Tsuchida et al. (US 6,026,394) in further view of Miller et al. (WO 00/20998).

With regard to claim 1, Muret et al. disclose a method for use in tracking the actions of an Internet user, comprising:

loading data from a plurality of transaction logs of a plurality of Internet servers into a database system (log engine loads log files into a table for processing) (¶51, Lines 1-2 and ¶57), where the data includes an entry for each request to the Internet server (¶51, Lines 4-6), including information identifying the which user submitted the request (¶71, Lines 7-10) and information identifying the time at which the request was received (¶55, Lines 1-5); and

selecting from the data all entries associated with a particular user and corresponding to a single session of that user (¶71). Muret et al. fails to disclose that the database system is managed by plural parallel processing modules or executing a database query across the plural parallel processing modules using a moving difference database management function to select the entries from the data.

Tsuchida et al. teach the use of plural parallel processing modules as a means to decrease the time required to search a database (Col 2, Lines 54-58). Tsuchida discloses a plurality of parallel processing modules including distribution nodes, join nodes, and decision management nodes (Col 2, Line 59 to Col 3, Line 18). These nodes distribute the workload related to the query process, and work on it in parallel to achieve a result faster.

Miller discloses a similar system for retrieving data from a database. Miller teaches using a moving difference database function to produce determine a moving

difference for data in a sorted list (p. 25, ll. 25-35). This would have been an advantageous addition to the system disclosed by Muret since it would have allowed the user to use a single function to easily locate all entries in the database that are time stamped within a defined range, such as the 30 minutes taught by Muret (¶71).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use plural parallel processing modules in the database system to select the entries for a particular user from the data and extract the entries from a the database using a moving difference database function. These additions would have been advantageous since it they have greatly sped up the process of sorting through the data to select the desired entries.

With regard to claim 2, Muret et al. further disclose that the step of selecting includes selecting entries with time stamps lying in a predetermined range (¶71, Lines 10-13).

With regard to claim 3, Muret et al. further disclose that the step of selecting includes comparing time stamps of entries and selecting each entry for which the time stamp differs from the time stamp of another entry by less than a predetermined amount (¶71, Lines 10-13).

With regard to claim 4, Muret et al. further disclose that the step of selecting includes selecting each entry for which the time stamp differs from the time stamp of another entry by less than 30 minutes (¶71, Lines 10-13).

With regard to claim 5, Muret et al. further disclose sorting the selected entries chronologically to reconstruct the user's clickstream (¶72, Lines 4-5).

With regard to claim 6, Muret et al. disclose a computer program for use in tracking the actions of an Internet user, the program comprising executable instructions that cause one or more computers to:

load data from transaction logs of a plurality of Internet servers into a database system (log engine loads log files into a table for processing) (¶51, Lines 1-2 and ¶57), where the data includes an entry for each request to the Internet server (¶51, Lines 4-6), including information identifying the which user submitted the request (¶71, Lines 7-10) and information identifying the time at which the request was received ¶55, Lines 1-5); and

select all entries associated with a particular user and corresponding to a single session of that user (¶71). Muret et al. fails to disclose that the database system is managed by plural parallel processing modules or executing a database query using a moving difference database management function across the plural parallel processing modules to select the entries from the data.

Tsuchida et al. teach the use of plural parallel processing modules as a means to

decrease the time required to search a database (Col 2, Lines 54-58). Tsuchida discloses a plurality of parallel processing modules including distribution nodes, join nodes, and decision management nodes (Col 2, Line 59 to Col 3, Line 18). These nodes distribute the workload related to the query process, and work on it in parallel to achieve a result faster.

Miller discloses a similar system for retrieving data from a database. Miller teaches using a moving difference database function to produce determine a moving difference for data in a sorted list (p. 25, ll. 25-35). This would have been an advantageous addition to the system disclosed by Muret since it would have allowed the user to use a single function to easily locate all entries in the database that are time stamped within a defined range, such as the 30 minutes taught by Muret (¶71).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use plural parallel processing modules in the database system to select the entries for a particular user from the data and extract the entries from a the database using a moving difference database function. These additions would have been advantageous since it they have greatly sped up the process of sorting through the data to select the desired entries.

With regard to claim 7, Muret et al. further disclose that, in selecting entries, the computer selects entries with time stamps lying in a predetermined range (¶71, Lines 10-13).

With regard to claim 8, Muret et al. further disclose that, in selecting entries, the computer compares time stamps of entries and selects each entry for which the time stamp differs from the time stamp of another entry by less than a predetermined amount (¶71, Lines 10-13).

With regard to claim 9, Muret et al. further disclose that, in selecting entries, the computer selects each entry for which the time stamp differs from the time stamp of another entry by less than 30 minutes (¶71, Lines 10-13).

With regard to claim 10, Muret et al. further disclose that the computer sorts the selected entries chronologically to reconstruct the user's clickstream (¶72, Lines 4-5).

With regard to claim 11, Muret et al. disclose a database system comprising:

a plurality of data-storage facilities (database) (Fig 1, 300) for use in storing data received from transaction logs of a plurality of Internet server computers (¶51), where the data includes an entry for each request to the Internet server computers (¶51, Lines 4-6), including information identifying the which user submitted the request (¶71, Lines 7-10) and information identifying the time at which the request was received (¶55, Lines 1-5); and

one or more processing modules configured to manage the data stored in the data storage facilities (log engine) (¶57); and

a database-management component configured to select from the data all entries associated with a particular user and corresponding to a single session of that user (¶71). Muret et al. fails to disclose that the database system comprises plural parallel processing modules or executing a database query across the plural parallel processing modules using a moving difference database management function to select the entries from the data.

Tsuchida et al. teach the use of plural parallel processing modules as a means to decrease the time required to search a database (Col 2, Lines 54-58). Tsuchida discloses a plurality of parallel processing modules including distribution nodes, join nodes, and decision management nodes (Col 2, Line 59 to Col 3, Line 18). These nodes distribute the workload related to the query process, and work on it in parallel to achieve a result faster.

Miller discloses a similar system for retrieving data from a database. Miller teaches using a moving difference database function to produce determine a moving difference for data in a sorted list (p. 25, ll. 25-35). This would have been an advantageous addition to the system disclosed by Muret since it would have allowed the user to use a single function to easily locate all entries in the database that are time stamped within a defined range, such as the 30 minutes taught by Muret (¶71).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use plural parallel processing modules in the database system to select the entries for a particular user from the data and extract the entries from a the database using a moving difference database function. These additions

would have been advantageous since it they have greatly sped up the process of sorting through the data to select the desired entries.

With regard to claim 12, Muret et al. further disclose that the database-management component is configured to select entries with time stamps lying in a predetermined range (¶71, Lines 10-13).

With regard to claim 13, Muret et al. further disclose that the database-management component is configured to compare time stamps of entries and select each entry for which the time stamp differs from the time stamp of another entry by less than a predetermined amount (¶71, Lines 10-13).

With regard to claim 14, Muret et al. further disclose that the database-management component is configured to select each entry for which the time stamp differs from the time stamp of another entry by less than 30 minutes (¶71, Lines 10-13).

With regard to claim 15, Muret et al. further disclose that the database-management component is configured to sort the selected entries chronologically to reconstruct the user's clickstream (¶72, Lines 4-5).

With regard to claim 16, Muret further discloses processing the data loaded into a single database table to extract each entry in the single database table the information

identifying which user submitted the request (IP address) and the information identifying the time at which the request was received (timestamp) (at least ¶55).

With regard to claim 17, Muret further discloses storing the extracted information in a database table having multiple columns, one for the information identifying which user submitted the request, and another for the information identifying the time at which the request was received (each line is separated into several fields, including IP/session ID and timestamp) (at least ¶55 and 71).

With regard to claim 18, Muret further discloses that loading data into a single database table includes loading data into a table having a single column, where the single column includes a row for each entry in the one or more transaction logs of the one or more Internet servers (at least ¶51 and 55).

Claims 19-21 are rejected under the same rationale as claims 16-18, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

Claims 22-24 are rejected under the same rationale as claim 17, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

(10) Response to Argument

Appellants argue claims 1-24 collectively, so the Examiner has addressed claim 1 as representative of all claims on appeal.

With regard to claim 1, Appellants argue that the combination of Muret, Tsuchida and Miller fails to teach "executing a database query across the parallel processing modules using a moving difference database management function to select from the data all entries associated with a particular user and corresponding to a single session of that user" (Br. 14-16).

The Examiner respectfully disagrees, noting that Appellants' arguments attack the cited references individually and fail to consider the combined teachings of the references. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

While Applicant asserts that "the Examiner has conceded that Muret fails to disclose" the above quoted limitation (Br. 14), the Office action of 8/29/08 clearly stated that the combination of Muret and Tsuchida taught executing a database query across the parallel processing modules to select from the data all entries associated with a particular user and corresponding to a single session of that user (Office action of 8/29/08, §8).

The Examiner agrees that the combination of Muret and Tsuchida fails to teach executing the database query *using a moving difference database management function*. However, use of such a function is taught by Miller, as discussed in detail in the Office action of 8/29/08 (§8) and the grounds of rejection above. Miller teaches that a moving difference database function can be used to calculate a moving difference between entries in a sorted list (p. 25, ll. 25-35). One of ordinary skill in the art would have recognized that this function could be used to select data from a database such as the database used in Muret, and would have recognized advantages of doing so (i.e., permitting use of a single function to quickly and easily locate all entries in the database time stamped within a defined range, such as the 30 minute interval taught by Muret [Muret, ¶71]).

Therefore, when the teachings of the references are properly considered in combination, Muret, Tsuchida and Miller collectively teach the use of a moving difference database management function to select from the data all entries associated with a particular user and corresponding to a single session of that user, as claimed.

In summary, all features of the claimed invention, except the use of "a moving difference database function" are taught by Muret and/or Tsuchida, as discussed in numerous previous Office actions and the BPAI decision of 6/19/2006 (Appeal No. 2006-1055). Miller teaches the use of a moving difference database function (MDIFF function), as admitted by Applicant (Declaration of 10/31/07, ¶12). Therefore, all elements of the claimed invention are taught by the prior art. Applicant's claimed

invention has merely taken these prior art elements and combined them using known methods. "The combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *Leapfrog Enter., Inc. v. Fisher-Price, Inc.*, 485 F.3d 1157, 1161 (Fed. Cir. 2007) (quoting *KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727, 1739 (2007)).

(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner's answer are provided herein.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Aaron Strange/

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